DISCOURSE

In Memory of the Life and Character

OF THE

HON. GEO. E. BADGER,

Delivered, by Request of the Bar of Wake County, at Raleigh, July 19th, 1866,

BY

WILLIAM A. GRAHAM,

OF ORANGE.

My acquaintance with Mr. Badger commenced in the latter part of the Summer of eighteen hundred and twenty-five. He had already completed his service as a Judge, which office he resigned at the close of the Spring circuit of that year; had contested the palm of forensic eloquence and professional learning with Seawell and Gaston, with a wide increase of reputation, at the recent term of the Supreme Court, and was returned to the practice in Orange, where he had once resided, in generous competition with Murphy and Nash, Yancey and Mangum, Hawks, Haywood and others,—Mr. Ruffin, hitherto the leader of this bar, having been appointed his successor on the bench of the Superior Court.

He was then a little turned of thirty years of age. One half of the time since his majority had been passed upon the bench, yet his fame as a lawyer was fully established; and though he doubtless afterwards added vastly to his stores of erudition, to soundness of perception, readiness of comprehension, clear and forcible reasoning, elegant and imposing diction, in all that constitutes an orator and advocate, he had attained an eminence hardly surpassed at any period of his life. From that time, and before it I know not how long, till the day he was stricken by the disease which terminated his life, in North Carolina, at least, his name was on every tongue. He was not only a marked, and distinguished, but an eminent man. So bright and shining a character could not but attract general observation; and though

"Hard is his fate on whom the public gaze
Is fixed forever, to distress or praise;"

and while, with a gay and hilarious nature, frank, but somewhat eccentrical manners, and unequalled powers of conversation, united with some infirmity of temper, his expressions and conduct in the earlier half of his life were often the subject of severe criticism; yet, in the long period of from forty to fifty years, in which he moved "in the high places of the world," no one denied to him the gifts of most extraordinary talents and unwavering integrity and truthfulness. Even in the particulars in which complaint had been made, or imputed hauteur and exclusiveness, his dispositions were either mellowed by time, or, what is more probable, his character came to be better appreciated from being better understood; and for years before his sad eclipse from useful life, no man enjoyed more of the general confidence and favor of the people, as none had possessed in a higher degree their admiration.

Transferred to the more extended field of jurisprudence administered in the Courts of the United States, and afterwards to the Senate of the nation, he took rank with the first advocates, jurisprudents and debaters of the Union; and the purity of his morals, the elevation of his character, his readiness and accomplishments as a conversationist, the gayety and vivacity of his manners, rendered him a general favorite with old and young, the grave and gay in the brilliant society of the metropolis in his day, and will cause him to be remembered among the most renowned and gifted Americans of the age in which we live.

An individual so admired, so deserving of admiration when living, may well claim the tribute of a suitable memorial when dead.—Hence the resolutions of the gentlemen of the bar in Wake, the County of his residence, and the imperfect attempt to execute them by the ceremonies which have brought us together.

GEORGE EDMUND BADGER was born in Newbern, North Carolina, on the 17th of April, 1793. His father, Thomas Badger, Esq., the son of Edmund and Lucretia Badger, was a native of Connecticut, and his birth is recorded to have taken place at Windham, in that State, on the 27th of June, 1760. Having received a good education, he came in early manhood to Newbern and then to Spring Hill, in the County of Lenoir, where for some time he taught a school, but was then probably a student of the Law, and was in due time admitted to the practice of the profession in this State. Fixing his residence at Newbern, he early rose to distinction as a practitioner, and appears in the published reports as one of the leading counsellors in the Courts of that riding, and in the Supreme Court of the State, from 1799 till his death, which occurred from yellow fever while in attendance on a Court at Washington, in Beaufort County, on the 10th of October, 1799.

The traditions of the profession, and other intelligent persons at his acquaintance, represent him as a man of determined character, and great intellectual and professional ability, and leave the question in doubt whether, at the same period of life, he was more than equalled by his son. The late Peter Browne, himself one of the first lawyers and men of letters of his time in North Carolina, a contemporary at the bar of the senior Badger, spoke of him, before the entrance of his son into public life, as one of the ablest men he had ever known, and especially as possessing a power to fascinate and control masses of men in the most remarkable degree,—a power, he added, which the son might exert with similar effect, if he would.

The correctness of this opinion of Mr. Browne was fully verified by the addresses to popular assemblies of the subject of our notice, twenty years and more after it was expressed.

His mother, by name Lydia Cogdell, was the daughter of Col. Richard Cogdell, of Newbern, a gentleman of much consideration under the Provincial rule in North Carolina, and as active and bold leader in the movement of the Revolution. As early as August 1775, his name appears second in the list of the committee of safety for Newbern district, appointed by the first Congress of the Province, (that of Alexander Gaston being at the head,) and the perforation made by a musket ball fired at his person by a British or loyalist soldier, during the occupation of that town by the royal forces under Major Craig, in 1781, is still visible in the door of his mansion in Newbern. This lady was a parent of singular vigor of mind and character, well fitted to encounter the cares and trials of her early widowhood. Her husband had experienced that which has been said to be the common lot of the profession in this country, "to work hard, live well and die poor," and left her with but little fortune to rear three children, of whom George was the eldest, and the only son.

According to her narrative, he manifested no fondness for books, and made little progress in learning till about seven years of age. At that period the pieces in his hands fell under his fascinated Notice. He was delighted with its perusal, and she never found it necessary to stimulate his thirst for knowledge afterwards. His preparatory course was taken in his native town of Newbern, and at the age of fifteen he entered Yale College. There he passed through the studies of the Freshman and Sophomoric classes, when his education, so far as dependent on schools, was brought to a close. A relative, a man of fortune at the North, who had hitherto furnished the means for his college expenses, (his own patrimony being wholly insufficient,) and from whose bounty he had hoped to pass on to graduation, suddenly withdrew his support and left him to his own exertions. Of the motives for this unexpected arrest in his college career, on which so much might have depended, it is useless now at least, to speculate or inquire. But it will be a source of gratification to his friends to be assured that it was attributable to no demerit in our student. True, his cotemporaries at Yale differ widely in their estimation of his capacities while there. The Northern students, who belonged to a different society, regarded him as a frolicsome youth, averse to mathematics, and fond of novel reading, who gave no indications of superior endowments.

On the other hand, a college classmate and member of the same society, who knew him intimately throughout life, and was five and twenty years associated with him at the bar, affirms that "he was, beyond dispute, the first boy of his class composed of seventy individuals, many of them afterwards distinguished men. He was not," says this friend, "a hard student of the prescribed course. Perhaps I ought to add, that he was remiss in his college duties, but he was eager for information to a most wonderful degree, and among his fellow-students he exhibited the same intellectual superiority, we have seen him so steadily maintain among men." To the same source I am indebted for the following observations concerning his elocution, which I repeat for the advantage and encouragement of the young. I think he remarks: "that the thousands who listened to the fluency with which Mr. Badger spoke, the clearness of his enunciation, the exact accuracy of his sentences and the carefulness of their formation—the right words always in the right places—will be surprised to learn that in his youthful attempts to debate he was almost a stammerer; I have heard him say he owed exemption from downright stuttering to his father, whom he remembered with affection, though under five years of age at the period of his decease, who would not permit him to speak while he hesitated in the least, but required him to stand by his side perfectly silent, until he had collected himself and arranged his thoughts. He, himself, often asserted that any one could speak fluently who thought clearly and did not lose his presence of mind."

He made known to President Dwight the rejection of the letter announcing the withdrawal of the patronage by which he had been thus far supported, and the *res angusta domi* which caused him to bid adieu to Yale, when reaching the portion of her *curriculum* by which his expanding mind would have most profited, and left with the regrets and kind wishes of that venerable divine and instructor. In after years when he had established a character, his *alma mater* honored herself by volunteering a degree to her barely risen Junior, and enrolling his name among her sons with whom he should have graduated in 1813, as, at a later period, she acknowledged his still higher advancement in liberal learning, by conferring upon him the grade of Doctor of Laws.

He appears to have indulged in no unavailing grief at the freak of fortune which blasted his hopes of a collegiate education, but returning home, though but a little over seventeen years of age, betook himself at once to the study of the Law. His legal preceptor was his maternal cousin, the Hon. John Stanly, of Newbern, who as an advocate, a statesman, a Parliamentarian, a wit and adept in conversation, is one of the historical characters of North Carolina; and who, viewing him as I did, from the gallery of the House of Commons in my boyhood, impressed me as an orator of more graceful and elegant manner and action, according to my conception of the Ciceronian standard, than any public speaker it has ever been my fortune to hear.

Mr. Badger was granted a license to practice the Law in the County Courts in the summer of 1814, and, according to the usual probation, in the Superior Courts in 1815; the Judges of the Supreme Court consenting to relax the ordinary rule and overlook his non-age, by reason of the narrowness of his fortune and the dependence of his mother and sisters upon his exertions for their support.

The war with England raging in the former year, and an invasion of the State being threatened by the British forces under Admiral Cockburne, then hovering on our coasts, Governor Hawkins called out the militia, and, himself, took the field in an expedition for the defence of Newbern and Beaufort. In this expedition Mr. Badger served as aid-de-camp to General Calvin Jones, of Wake, with the rank of Major, but the alarm soon ceasing with the retirement of the enemy, the soldier was again resolved into the youthful barrister. A vacancy occurring in the office of Solicitor to prosecute the Pleas of the State in that riding, about this time, he was introduced to public notice by the temporary appointment from the Judge, and made one circuit in that capacity. In 1816, the year of his majority, he was returned a member of the House of Commons, from the town of Newbern; and whatever advantages he may have lost by his retirement from College, (and they were doubtless many and important,) it may well be questioned whether any of the more fortunate youths he had left behind in the classic shades of Yale, were, by this time, better fitted to play a distinguished part in a deliberative assembly or a court of justice. What, with the instruction of Stanly, the conversation, intercourse, and example of that accomplished gentleman, and his colleagues, Gaston, Edward Graham, Moses Mordecai, and others, whom he met at the bar, or in society, but above all by his own profound study (which the vivacity of his nature, and the brilliancy of his parts, were calculated to keep out of view,) he had not only made great attainments in the Law, but, what is now I fear becoming rare, a familiar acquaintance with the classic authors of English literature, and with the arts of rhetoric and composition; and wrote and spoke our language with a readiness, force, precision, and propriety, the more remarkable because equally conspicuous in loose and trifling conversation, (in which he freely indulged) as in public address. As a critic, whether under the inspiration of a "good or bad natured muse," he has had few peers among the judges of "English undefiled." His appearance in the Legislature was the advent of a new star above the horizon; somewhat erratic and peculiar in its orbit, but effulgent even in its irregularities, and, when the subject or the occasion required mature thought and was within the range of his studies and information, shining with a splendor not surpassed by the oldest and greatest lights of the firmament.

Tradition furnishes anecdotes of many encounters during the session of gladiatorial skill, in which his love of pleasantry and the *gamin* carelessness involved him with the late Attorney General Iredell, a man of genius and of Attic, and others, with serious success; but it assures us that this, his first and last session in the General Assembly, closed with a profound impression and universal acknowledgment of his genius, culture and high promise for the future.

The Hon. Thomas Ruffin, the Speaker of the House of Commons, who had been first appointed a Judge of the Superior Courts during this session, discovering in Mr. Badger a congenial spirit, alike emulous with himself of liberal culture and professional distinction, invited him to take his briefs and pursue the practice in Orange. The acceptance of this proposition carried him to Hillsborough as his place of residence, for the ensuing two or three years, during which, having married the daughter of the Honorable James Turner, of Warren, he transferred his home to Warrenton and thence to Louisburg; where he continued to reside until his retirement from the bench in 1825, when he removed to Raleigh, and there abided during the residue of his life.

How well he had maintained his professional character in the new field of his practice is attested by the fact, that with but little of what is known as personal popularity, he was appointed a Judge of the Superior Courts of Law and Equity by the Legislature in its session of 1820, at the age of twenty-five. In this office he rode the circuits four years with admitted ability, candor and impartiality, as a magistrate, evading no question and no duty, but, on the contrary, thought sometimes to err from quickness of temper and too great readiness to assume responsibility; with a courtesy to the profession which won general esteem, and with the admiration of the public; which, though sometimes murmuring at the severity of a sentence or a supposed arbitrary or whimsical order, regarded, with equal wonder, the promptness and force with which he discussed questions of law with the veterans at the bar on the various ridings, and the intelligent, amusing and instructive conversation, with which he habitually entertained his acquaintances and associates, and which made him a marked personage in every circle that he entered. I mention a single case in his administration of the law as illustrating both of the firm and impartial hand with which he dealt out justice, and the jealous care with which the Judiciary of North Carolina has ever maintained the protection and rights of the weak against the strong and influential. A citizen of great fortune and advanced age, who had represented his county in earlier years in either House of the Legislature, and of numerous and influential connexions, charging a free negro with larceny upon his property had brought him by warrant before a Justice of the Peace, and prevailed on the Justice to try and convict him of the allegation, and sentence him to punishment by stripes, which were inflicted—a proceeding allowable by law, provided the offender had been a slave. But here the culprit was a free man; and by the constitution entitled to public trial in open Court before a Jury of the country. The Prosecutor, with the Justice and Constable, was arraigned before the Superior Court for this violation of law, and their guilt being established, Judge Badger, who happened to preside at this term, was strongly inclined to imprisonment of the principal defendant, and was only deterred from its imposition by reason of his age and state of health; but, announcing that this was omitted from that cause only, sentenced him to a fine of twelve hundred dollars, the Justice to fifty and the Constable to ten dollars, the differences being made on account of the several grades of intelligence, and consequent criminality as well as of ability to pay.

From the time of his return to the bar and location at the seat of government, until the access of disease which suddenly, and, as it proved, finally, arrested his course, he was devoted to the practice of his profession; with a suspension for a few months occasioned by his call to the head of the Navy Department as a Cabinet counsellor of President Harrison, which was continued under the succession of Mr. Tyler until his separation from the party by which he was elected, and such further interruption as was produced by his occupation of a seat in the Senate of the United States from 1846 to 1855. During this forensic career of almost unexampled renown and undisputed ability, he was at different times proposed by Executive nomination, for the bench of the Supreme Court, both of his own State and of the United States; but the spirit of party exacted a denial of his confirmation by the assenting authorities, though of his eminent qualifications no man doubted. He appeared in all the great causes argued in the Supreme Court of the State and the Circuit Court of the United States for the District of North Carolina, during this period; and in the latter portion of it, in many of those in the Supreme Court of the United States. If it be true, as remarked by Pinckney, in one of his familiar letters published by Wheaton, that "the bar is not a place to acquire or preserve a false or fraudulent reputation for talents," it was eminently so in his case.

He had an intrepid and self-reliant mind which, disdaining artifice, timidity or caution, struck out into the open field of controversy with the daring of conscious power, and shunned no adversary nor clad in the panoply of truth; was as ready to challenge the authority of Mansfield or Denman, Roslyn or Eldon, if found deflecting from the paths of principle or precedent, as that of meaner names. If, from want of opportunity or inclination, he had failed to master the mathematics of numbers, he made himself a proficient in the mathematics of life (as our law from the exactness of rule at which it aims has been not inaptly denominated) and by a rigorous logic was prompt to expose whatever could not bear the test of reason. Yet, it was a logic free from the pedantry of the schools, apparently not derived from books, and accompanied by a rapidity of mental action, giving to it the appearance of intuition.

Whether in analysis or synthetical reasoning, in dealing with facts before juries or the most intricate question of law before courts, those faculties were equally conspicuous, and attended, when occasion called for their use, with powers of humor, sarcasm and ridicule hardly inferior to those of ratiocination. Added to all which, there was a lucidness of arrangement, an exact grammatical accuracy in every sentence, a forcible and graceful style, which, independently of a clear and distinct enunciation, a melodious voice and engaging manner, imparted even to his extemporaneous arguments the charms of polished composition.

He was never ostensibly a severe student, but his learning in his profession was profound and necessarily the fruit of much study, acquired probably not by regular reading of elementary books, but whenever in his practice, which was extensive, or by other means, his curiosity became excited on any topic, he pursued it until he had mastered it in all its ramifications,—a habit of mind, which he was accustomed to apply to other subjects, historical, literary, or scientific, to which his attention might be attracted, and especially to that exalted science to which further allusion may be made in the sequel. His familiar acquaintance, however, I think, must be satisfied, that he was greatly favored in the ease and rapidity with which he acquired knowledge, and will concur in the remark made by one of the most distinguished members of the profession, soon after my first introduction to him, that "he could learn more in the same time than any man he had ever known."

He attained a high degree of knowledge in every branch of the law, whether in the doctrine of real estate transmitted by Coke, and contemporaries from the days of the Tudors, and before the modifications introduced by statutes and the higher civilization of more recent times; the supplemental code of equity jurisprudence, invented to eke out the scanty justice of rude Barons and ignorant feudatories, and to apply rules of morality to the affairs of men; or in the criminal law, and the subjects of jurisdiction peculiar to the courts of the United States. And in the altercations of parties through their counsel in writing, which we style pleadings, (designed, by a severe logic, to present their points of disagreement for the decision of courts and juries,) in all these departments his productions were models which might be safely transferred to books of precedents for the instruction of his juniors; an adeptness, ascribable, not more to the acuteness of his understanding, than to his accomplishments as an English linguist and critic, causing a false inference, or ungrammatical phrase, to elicit his disapprobation like a false note on the ear of a musician.

These resources were ever at the command of his brethren, and of the court, before which some of his highest efforts were made, in causes in which arguments had been invited, or in which the subject of contest attracted his thoughts from its connexion with his favorite studies, and were delivered to no other auditors save those whose presence was required by duty. On an occasion of this kind, in a case of indictment for blasphemy, the question was raised whether the Christian religion was a part of the common law, with a suggestion that, if it was, it might be altered by statute. Mr. Badger volunteered an argument for the cause of religion and sound morality. It so happened, that as he opened his case, a venerable citizen of the State, of great intelligence, entered the court room to speak a word to the reporter, expecting immediately to retire. He was, however, so fascinated with the manner of the speaker, the splendor of his diction, the copiousness of his theological and legal learning, the force and clearness of his arguments and the precision with which they were stated, that he sat down and heard him to the close, observing, as he withdrew, "what folly ever to have made him a Judge; he ought to have been a Bishop."

Literature, whose office is to preserve the results of learning, knowledge and fancy, has made so little progress among us that there has not been much effort to save from oblivion the discussions at the bar or in the deliberative assemblies of the State, the chief theatres of public intellectual exertion besides the pulpit, and none at all as to those forensic displays at *nisi prius*, which, dealing with the facts and incidents of life, the dispositions, passions and souls of men, afford the noblest field for exhibitions of eloquence. Had Mr. Badger been emulous of posthumous fame, and bestowed half the time in reporting his speeches in the more important of his causes on the circuit, which Cicero recommends and practiced, in the preparation of his orations, the result would have been a most interesting contribution to American rhetorical literature. There are occasions enough within the recollection of many who are present, in Wake, Orange, Granville, Halifax and elsewhere, when his utterances, even if printed as delivered, would have formed a volume of no less interest than the speeches of Wirt or Emmet, Erskine or Curran, as well as afforded an insight into events, crimes, transaction of business and the state of society of our times, such as the muse of history derives from the records of courts of justice.

Two causes in the Circuit Court of the United States, in the days of Chief Justice Marshall, are especially remembered, which were among the themes of his most admired arguments, and in which he overcame the preconceived opinion of that great Judge, though impressed and supported by the acknowledged abilities, learning and persuasiveness of Gaston. These were the cases of Whitaker *ex* Freeman, an action for libel in twenty-five different Courts, and Latimer *ex* Patent, one of a series of cases in ejectment, to recover immense bodies of land in the Western Counties, claimed by citizens of Northern States under purchases from speculators, who, it was alleged, had made their entries and procured grants before the extinction of the title of the Cherokee Indians, in violation of law; the defendants claiming, under grants from the State, after the admitted cession of the Indian title, and Mr. Badger being retained by the State to defend their interests. This latter case, involving the relations of North Carolina while a separate sovereignty, and afterwards of the United States with the Cherokee Indians, as regulated by sundry treaties, the location of several lines of partition between them and the whites agreed upon, but removed further and further West, as the population of the superior race increased and emigration advanced, surveys partially or wholly made to establish these lines through a mountainous, and in many parts, an impervious country, imputed frauds in transgressing those laws, making entries without actual survey, and planting trees, the indigines of fertile soil, as corners on barren wastes, with affidavits that they were the native growth of the country, with divers other topics of dispute, was of exceeding volume and complication in its facts, and occupied near a week in the trial. The argument, running through four days, was said to be the most elaborate on both sides ever made in the State, in a jury trial. It resulted in a verdict and judgment for the defendant, which was afterwards affirmed in error in the Supreme Court of the United States. After the trial, Judge Marshall, in the simplicity and candor of his great character, observed to the then Governor of the State, "at the close of Mr. Gaston's opening argument I thought he had as good a case as I ever saw put to a jury, but Mr. Badger had not spoken two hours until he satisfied me that no one of his positions could be maintained."

To this instance of *laudatus a laudato viro*, I esteem it not improper to add a few others from sources only less eminent: Chief Justice Henderson declared in my presence that "to take up a string of cases, run through them, extract the principle contained in each, and discriminate the points in which they differed from each other, or from the case in hand, I have never seen a man equal to George Badger."

Judge Seawell remarked of him, "Badger is an elementary man," and, continuing in his peculiar and racy style, "he goes to first principles; he finds the corners of his survey, and then runs out the boundaries, while others hunt along the lines. The difference between him and myself is, that when I take up a book I read slowly, pausing at the end of each sentence, and when I have reached the bottom of a page I must stop and go back to see whether I fully comprehend the author's meaning,—while he reads it off like a novel, and by the time he gets to the bottom of a page or the end of a treatise, he has in his mind not only all that the author taught, but a good deal that the author never knew."

Chief Justice Ruffin, yet surviving in honorable retirement from the labors of the profession, whose early appreciation of the faculties of Mr. Badger we have already noticed, and before whom, as a Judge of the Supreme Court, he was in full practice for twenty-three years, affirmed to me, since the death of Mr. Badger, that in dialectic skill and argument he excelled any individual with whom he had ever been associated, not even excepting Chief Justice Marshall himself, for that he possessed the faculty of imagination and capacities for illustration which Judge Marshall had not.

Another friend, to whom I am indebted for much that has been already stated of the early life of the subject of our remarks, asserts that "as an intimate association with him in the practice of the law for more than twenty-five years, I never knew him to mistake the testimony of a witness or the argument of his adversary, and I think I may add that he uniformly argued with entire logical integrity upon the premises his duty required him to assume."—Of his arguments in the Supreme Court of the United States, probably the most important were in controversy as to their boundary between the States of Georgia and Florida, and in the case involving the title to the Quick-silver mines of California.

His noble bearing as an advocate and elevation above all artifice, chicanery or unfair advantage will be amply attested by his brethren of the profession, who in the circuits, at least of his regular practice, trusted with entire confidence to the fidelity as well as accuracy of his reports of causes for the revision of Courts of appeal; and instances are remembered where the decision has been for his client and a statement of the cause made by the presiding judge happened to be less favorable to his adversary, than the facts justified, that it has been substituted by a case stated by him, and entered by consent as a more exact portraiture of the trial below.

To his hospitality and kind intercourse with the gentlemen of the profession, his liberality, and assistance to its junior members whom his gracious demeanor and familiar manners won, no less than his spirited and intelligent conversation entertained and improved, there is to his unselfish and genial nature and an integrity on which no temptation ever brought a stain, the occasion permits time only to allude, before closing our review of his professional life. Had he been called to the office of Attorney General of the United States, by General Jackson, at the period of his first election, of which Mr. Badger had been an ardent and efficient advocate, as many of his friends entertained expectation, and continued from that time his practice in the Supreme Court of the United States, it is hazarding but little to say that his fame would have equaled that of any advocate in the history of American Jurisprudence.

Of Mr. Badger's brief service at the head of the Navy Department, excepting his recommendation of the establishment of a Home Squadron to patrol the Gulf of Mexico, and West Indian seas, as a protection against piracy, and to be prepared for any sudden hostile demonstration on our coasts, in addition to those maintained on foreign stations, (a measure since adopted) there is no circumstance demanding special notice. He had accepted the appointment, at the request of President Harrison, with reluctance, retained it by the expressed desire of his successor, and resigned it as soon as the breach between Mr. Tyler and the party that elected him was found to be irreparable.

Equally unsought and unexpected was his election to the Senate of the United States, when absent from the seat of Government on a professional errand beyond the sphere of his usual practice. He entered the Senate in the first year of the war with Mexico,—held his seat throughout the conflict,—during the struggle which ensued as to the introduction of slavery into the Territories acquired by the treaty of peace, threatening then a dissolution of the Union, the compromise measures of 1850, under the leadership of Clay, the election of Gen. Taylor, the succession of Fillmore, the election of Pierce and the first half of his term, including the organization of Territorial Governments in Kansas and Nebraska. A period of more fierce, convulsive and (as the sequel has proved) fatal party agitation than any in American history, except the years that have succeeded it.

Even now, after the dreadful chastening that all have received from recent calamity, it is difficult to recur to it without reviving passions inconsistent with the solemnities of the hour, and the charities inspired by common suffering. On the one hand, it was maintained that inasmuch as these acquisitions of territory had been made by the common contribution of men and means from all the States, the citizens of any State were at liberty to emigrate and settle upon them, and to carry any property they might possess, including slaves; that this was the case by virtue of the operation of the Constitution over the new territory *proprio vigore*. It was further declared that Congress had no authority to legislate in contravention of this right; and in the progress of the dispute this latter position was extended into the assumption, that it was the duty of Congress to enact laws to ensure it, and that a failure in this was a breach of Constitutional duty so gross as to justify the injured States in withdrawing from the Union: a power which, it was declared, that every State held in reservation and might exercise at pleasure, the Constitution being but a compact having no sanctions for its perpetuation.

(To be concluded in our next.)

ICE BY THE TON!

By writing on or before Monday next to the undersigned

250 TONS

of Ice can be purchased, delivered on the Railroad Cars in Wilmington, at ten dollars per ton.

C. W. STYRON & CO.,
July 20-3t Wilmington.

NOTICE.

"THE WATCH DOG, or Sleeping man's friend," is on exhibition at our Store, and for Sale at Inventor's prices

PULLIAM, JONES & CO.
July 20-2t

CAPE FEAR BANK.

Notes are redeemed by the Cashier of the Raleigh Branch in this City, and at

PULLIAM, JONES & CO.
July 20-tf

HENDERSON COLLEGIATE INSTITUTE,

[ON THE R. and G. R. R.]

FRED. A. FETTER A. M.—Connected for six years with the UNIVERSITY OF NORTH CAROLINA as Tutor—having taken charge of this Institution, proposes to open it on Monday August 6th.

The usual classical and English courses of instruction will be given; his aim being to build up a thoroughly good school in this neighborhood, and to prepare boys for the ordinary business of life, or for entering with credit any of our Southern Universities.

TERMS.—Per session of 22 weeks [half in advance]

Primary department [nursery]	$20.00
Higher English "	$25.00
Classical "	$30.00

HENDERSON is well known as being a healthy and pleasant locality. Board can be obtained on moderate terms. It is important that students should enter at the opening of the session.

For further particulars address Mr FETTER at Henderson, Granville County.

REFERENCES—The Faculty of the University of N. C.

July 20 6w&tw

Petersburg Index, Norfolk Virginian, Wilson Carolinian and Tarboro Southerner, insert each to amount of $3 and forward bills to this office.

SCHOOL NOTICE.

MISS FRANCES A. HAYWOOD will resume the exercises of her school for children, on Monday, the 16th, of July, at the residence of Miss E. F. Haywood. Door of the Bible Book.

July 13-1w*

FOR RENT.

For the balance of the year, a small house WITH THREE rooms, near Mrs. S. H. Rogers, Hillsborough.

July 19-tf PULLIAM, JONES & CO.

FOR SALE.

Gutta Percha Belting, by the Barrel.

PULLIAM, JONES & CO.
July 16-tf

$25 REWARD.

Stolen from my stables on Thursday night, 5th inst. at Cobb's X Roads, a dark roan Horse Mule, with mane and tail closely trimmed. I will pay the above reward to any person who will return said mule to me, or furnish information that will lead to her recovery.

P. R. HAWKINS,
July 19-3t Louisburg.

SAW MILL FOR SALE.

I would sell a MULEY SAW MILL and fixtures, new, complete and in perfect order. It can be seen in successful operation at my residence, 7½ miles West from Forestville.

I would give four months time, which would enable the purchaser to pay for it easily.

JNO. M. CHEEKSHAW,
Forestville, July 19-3t*

FOR SALE.

A GOOD TRACT of land, in 5 miles of the City, containing 200 Acres, ¾ in Original Oak, Hickory and Dogwood, well watered—Rhue Creek running through it.

A comfortable log Dwelling, Kitchen, Stables and Barn are on the premises. A portion of the land is fine bottom land. Terms liberal.

PULLIAM, JONES & CO.
July 19-tf

P. A. WILEY & CO.

BANKERS, FAYETTEVILLE N. C.

Dealers in Uncurrent Money, Gold and Silver, &c.,

Collections Made,

DEPOSITS RECEIVED.

July 19-tf

1866. FALL TRADE. 1866.

LANIER BROTHERS & CO.,

WHOLESALE DEALERS IN

Foreign and Domestic Dry Goods,

No. 244 W. Baltimore Street, Baltimore.

The undersigned will resume the business formerly conducted by the above firm under the same style as heretofore, and have taken Warehouse No. 244 BALTIMORE STREET, where they will soon have exposed for sale a Large and Attractive STOCK OF DRY GOODS, complete in all its departments. Extraordinary inducements will be offered to cash buyers.

All orders entrusted to us will meet with prompt attention.

LUCIUS L. LANIER,
JOHN W. SELBY.

N. B. The books of the old firm of LANIER BROTHERS & CO. will be found at our Office. All parties indebted will please make an early settlement as possible.

July 19-1w LUCIUS L. LANIER.

PLOWS, PLOWS, PLOWS!

25 Two Horse Livingston County Plows, No 1, and 2
50 One Horse Plows, No 11,
50 " " " No 6
50 " " " No 69.

These plows are put up by ourselves; the Castings are made of the best NEW IRON, they are stocked with best seasoned white oak Lumber and we warrant them all.

B. P. WILLIAMSON & CO.
Raleigh July 18-tf

RANDOLPH MACON COLLEGE.

The Board of Trustees having resolved to open the College on the Last Thursday in September next, adjourned on the 13th, inst. to meet again on the 15th, of August for the purpose of appointing Professors in the schools of Ancient Languages, Mathematics, Chemistry, etc., and Moral Philosophy.

Applicants for the several positions are invited to address the former President.

DR. WM. A. SMITH,
July 18-td2aw At Boydton, Va.

NOTICE.

By virtue of a decree of the Court of Pleas and Quarter Sessions of Johnston County, N. C., May Term, 1866, I will expose, at public Sale, on Tuesday the 28th, August 1866, (court week) at the Court House door, in Smithfield, in said County, on a credit of six months, the following Lands, viz:

One tract, containing about 800 Acres, and two blocks of another tract containing about 160 Acres, adjoining the above tract.

The said land runs within half a mile of the N. C. R. R. about five miles below Clayton Depot, on said road. It is Piney woods lands, and heavily timbered; about half of the first tract has never been tozed and only a small quantity of the large timber has been cut. Any one wishing to put up a Steam Saw Mill, or work Turpentine, could not find a better location.

Persons wishing to see the lands can do so, by calling on Mr. John Money, at Clayton or addressing me at Smithfield, N. C. Terms made known on day of sale.

JOHN W. HODGES, Executor
of E. S. SANDERS Dec'd.
July 20-4t*

DUNN, PLUMMER & CO.,

NO. 4 IRON FRONT, SYCAMORE STREET,

PETERSBURG, VA.

AGENTS FOR THE SALE OF H. L. EMORY & Sons' Patent Improved Universal

COTTON GINS,

With Condenser and Cleaner, for hand or horse power. Best Stretched and Connected

LEATHER BELTING.

INDIA RUBBER BELTING AND GUM PACKING.

Hite and Co.'s celebrated Circular saws.
Best French Burr and Empire Mill Stones.
Best Archer Brand Belting Cloths.
Smith's Patent Cast Steel Plows, made by the celebrated Collins and Co.
Whittemore's Patent Feed Cutter, for Hay, Straw or Corn Stalks.
Single Blade Straw Cutters and Corn Shellers.
Fairbank's Celebrated Platform and Counter Scales.

Having obtained the Agency for the sale of H. L. Emory and Sons' Patent Improved Universal

COTTON GINS,

For hand or horse power, with Condenser and Cleaner, we are prepared to take orders for the same.

These Gins are the best in use, and by using the Condenser and Cleaner the Cotton produced will distribute well for two or three cents per pound more than that ginned by other machines.

Parties sending their Gin for Fall's are kind enough to send in their orders to us at once, that arrangements may be made for their prompt delivery. We shall have samples of Gin and of Saw Gins in store for exhibition in a few days.

Catalogues and Price Lists sent on application.

We shall be receiving our stock of

FOREIGN HARDWARE

Direct from the manufacturers of Europe, in time for our Fall Trade, consisting of Iron and Heavy Hardware, Cutlery and Guns. Some of our Guns will be of very fine quality.

In addition to our stock of Heavy Goods, we shall keep on hand a good assortment of American Hardware and Carriage Materials, such as Hubs, Spokes, Rims, Shafts, Axles and Springs and Shoe and Horse Nails.

The attention of our friends and the public generally are invited to our stock.

DUNN, PLUMMER & CO.,
No. 4 Iron Front, Sycamore street,
July 18-2m Petersburg, Va.